MONTANA LEGISLATIVE HISTORY

Chapter 336 1999

Bill H 153 S _____ Original bill & history ✓ C

H. Committee on Business & Labor			S. Committee on Business & Industry		
Hearing Date(s)	1-12	✓ C	Hearing Date(s)	3-4	✓ C
	1-28	✓ C		3-10	✓ C
		C		3-17	✓ C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

3/15	Signed by Governor		
3/16	Chapter Number Assigned		
	Chapter Number 60		
	Effective Date: 10/01/1999 - All Sections		

HB 152 Introduced by Anderson *LC0095 Drafter: B. Campbell*

Permit the Creation of Public Library Districts with Taxing Authority;...

By Request of State Library Commission

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Taxation		
1/04	Fiscal Note Requested		
1/08	Fiscal Note Received		
1/09	Fiscal Note Signed		
1/11	Fiscal Note Printed		
1/15	Hearing		
1/29	Committee Executive Action--Bill Passed as Amended	16	4
1/30	Committee Report--Bill Passed as Amended		
2/02	2nd Reading Passed	58	41
2/03	3rd Reading Failed	49	51

HB 153 Introduced by Hedges *LC0277 Drafter: B. Campbell*

Revise the Laws Governing Funeral Services;...

By Request of Board of Funeral Service

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Business and Labor		
1/12	Hearing		
1/28	Committee Executive Action--Bill Passed as Amended	16	2
1/29	Committee Report--Bill Passed as Amended		
2/01	2nd Reading Passed	68	31
2/02	3rd Reading Passed	79	19
	Transmitted to Senate		
2/03	Referred to Business and Industry		
3/04	Hearing		
3/08	Tabled in Committee		
3/23	Committee Executive Action--Bill Concurred as Amended	7	0
3/23	Committee Report--Bill Concurred as Amended		
3/25	2nd Reading Concurred	48	1
3/26	3rd Reading Concurred	49	0
	Returned to House with Amendments		
4/09	2nd Reading Senate Amendments Concurred	77	19
4/10	3rd Reading Passed as Amended by Senate	76	23
4/10	Sent to Enrolling		
4/12	Returned from Enrolling		
4/13	Signed by Speaker		
4/14	Signed by President		
4/15	Transmitted to Governor		
4/19	Signed by Governor		

4/20	Chapter Number Assigned		
	Chapter Number 336		
	Effective Date: 10/01/1999 - All Sections		

HB 154 Introduced by Gallus *LC0430 Drafter: Maly*

Clarify the Prohibition Against Offering Any Form of Incentive or Rebate to Pay All or Part of a Casualty or Property Insurance Deductible Related to the Sale, Repair, or Replacement of Automobile Glass;...

By Request of State Auditor

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Business and Labor		
1/20	Hearing		
1/21	Committee Executive Action--Bill Passed as Amended	18	0
1/21	Committee Report--Bill Passed as Amended		
1/23	2nd Reading Passed	80	18
1/25	3rd Reading Passed	79	21
	Transmitted to Senate		
1/27	Referred to Business and Industry		
3/04	Hearing		
3/09	Committee Executive Action--Bill Concurred	6	0
3/09	Committee Report--Bill Concurred		
3/11	2nd Reading Concurred	42	8
3/12	3rd Reading Concurred	43	6
	Returned to House		
3/12	Sent to Enrolling		
3/13	Returned from Enrolling		
3/15	Signed by Speaker		
3/16	Signed by President		
3/16	Transmitted to Governor		
3/25	Signed by Governor		
3/27	Chapter Number Assigned		
	Chapter Number 174		
	Effective Date: 10/01/1999 - All Sections		

HB 155 Introduced by Pavlovich *LC0369 Drafter: Maly*

Prohibit the Cancellation or Nonrenewal of Property and Casualty Insurance on the Basis of a Single Loss Unless the Insurer Has Previously Disclosed this Criterion to the Insured;...

By Request of State Auditor

12/23	Introduced		
1/04	1st Reading		
1/04	Referred to Business and Labor		
1/19	Hearing		
1/22	Committee Executive Action--Bill Passed as Amended	14	4
1/23	Committee Report--Bill Passed as Amended		
1/27	2nd Reading Passed	78	20
1/28	3rd Reading Passed	83	17
	Transmitted to Senate		

HB 122 SPONSOR: Jore, Rick SHORT TITLE: Workers freedom act
REFERRED ON: 01/04/1999 HEARD ON: 01/13/1999
TABLED ON: 01/13/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

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HB 136 SPONSOR: Williams, Carol SHORT TITLE: Revise laws governing comprehensive health association
BY REQUEST OF: State Auditor
REFERRED ON: 01/04/1999 HEARD ON: 01/19/1999
EXECUTIVE ACTION: 01/22/1999 Bill Passed as Amended -- VOTE: 17 - 1
FINAL DISPOSITION 03/27/1999 Chapter Number Assigned

HB 140 SPONSOR: Pavlovich, Bob SHORT TITLE: Revise lottery laws
BY REQUEST OF: Department Of Commerce
REFERRED ON: 01/04/1999 HEARD ON: 01/12/1999
TABLED ON: 01/12/1999
FINAL DISPOSITION 03/01/1999 (H) Missed Deadline for General Bill Transmittal

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HB 150 SPONSOR: Menahan, Red SHORT TITLE: Require contracting foreign companies to receive a certificate of authority
BY REQUEST OF: Secretary Of State
REFERRED ON: 01/04/1999 HEARD ON: 01/19/1999
EXECUTIVE ACTION: 01/28/1999 Bill Passed as Amended -- VOTE: 18 - 0
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 153 SPONSOR: Hedges, Donald SHORT TITLE: Revise laws governing funeral services
BY REQUEST OF: Board Of Funeral Service
REFERRED ON: 01/04/1999 HEARD ON: 01/12/1999
EXECUTIVE ACTION: 01/28/1999 Bill Passed as Amended -- VOTE: 16 - 2
FINAL DISPOSITION 04/20/1999 Chapter Number Assigned

HB 154 SPONSOR: Gallus, Steven SHORT TITLE: Clarify prohibition against auto repair incentives
BY REQUEST OF: State Auditor
REFERRED ON: 01/04/1999 HEARD ON: 01/20/1999
EXECUTIVE ACTION: 01/21/1999 Bill Passed as Amended -- VOTE: 18 - 0
FINAL DISPOSITION 03/27/1999 Chapter Number Assigned

Questions from Committee Members and Responses:
Rep. Krenzler, Lawson, Brown, Bitney, Stovall, Ewer, Simons, questions witnesses. Carroll South from Board of Investments answered some questions.
{Tape : 1; Side : B; Approx. Time Counter : 260 -500}
{Tape : 2; Side : A; Approx. Time Counter : 0 - 378}

Closing by Sponsor: Speaker Mercer closed HB 109. EXHIBIT(4) EXHIBIT(5)
{Tape : 2; Side : A; Approx. Time Counter : 378 - 500}

HEARING ON HB 153

Opening Statement by Sponsor: Rep. Hedges, HD 97 introduced HB 153. EXHIBIT(6) EXHIBIT(7)
{Tape : 2; Side : B; Approx. Time Counter : 0 - 40}

Proponents' Testimony:
John Michelotti, Board of Funeral Directors EXHIBIT(8)
{Tape : 2; Side : B; Approx. Time Counter : 40 - 70}

Steve Yeakel, Ex. Director of Montana Funeral Directors
{Tape : 2; Side : B; Approx. Time Counter : 70 - 110}

Opponents' Testimony:
John Anderson, owner of 7 funeral homes.
{Tape : 2; Side : B; Approx. Time Counter : 110 - 228}

Questions from Committee Members and Responses:
Reps. Trexler, Ewer, Masolo, Sliter, Tuss, Bookout and Simon question witnesses.
{Tape : 2; Side : B; Approx. Time Counter : 228 - 500}
{Tape : 3; Side : A; Approx. Time Counter : 0 - 100}

Closing by Sponsor: Rep. Hedges closed HB 153.
{Tape : 3; Side : A; Approx. Time Counter : 100 - 126}

HEARING ON HB 171

Opening Statement by Sponsor: Rep. Matthews, HD 4 introduced HB 171.
{Tape : 3; Side : A; Approx. Time Counter : 126 - 156}

Motion/Vote: REP. SLITER moved that HB 312 BE TABLED. Motion carried 12-6 with Ewer, Juneau, Matthews, Pavlovich, Squires, and Tuss voting no.
{Tape : 3; Side : A; Approx. Time Counter : 139 - 160}

EXECUTIVE ACTION ON HB 150

Motion: REP. PAVLOVICH moved that HB 150 DO PASS.
{Tape : 3; Side : A; Approx. Time Counter : 160 - 170}

Motion/Vote: REP. PAVLOVICH moved that HB 150 BE AMENDED. Motion carried unanimously. EXHIBIT(19)
{Tape : 3; Side : A; Approx. Time Counter : 170 - 180}

Motion/Vote: REP. PAVLOVICH moved that HB 150 DO PASS AS AMENDED. Motion carried unanimously.
{Tape : 3; Side : A; Approx. Time Counter : 180 - 225}

EXECUTIVE ACTION ON HB 247

Motion/Vote: REP. PAVLOVICH moved that HB 247 DO PASS. Motion carried 12-6 with Barnett, Bitney, Lawson, Masolo, Sliter, and Trexler voting no.
{Tape : 3; Side : A; Approx. Time Counter : 225 - 490}

EXECUTIVE ACTION ON HB 153

Motion: REP. LAWSON moved that HB 153 DO PASS. EXHIBIT(20)
{Tape : 3; Side : A; Approx. Time Counter : 490 - 500}

Motion/Vote: REP. TREXLER moved that HB 153 BE AMENDED. Motion carried unanimously.
{Tape : 3; Side : B; Approx. Time Counter : 0 - 100}

Motion/Vote: REP. TREXLER moved that HB 153 BE AMENDED. Motion carried unanimously.
{Tape : 3; Side : B; Approx. Time Counter : 100 - 120}

Motion/Vote: REP. LAWSON moved that HB 153 DO PASS AS AMENDED. Motion carried 16-2 with Brown and Juneau voting no.
{Tape : 3; Side : B; Approx. Time Counter : 120 - 178}

HB 121 SPONSOR: Krenzler, Billie SHORT TITLE: Pyramid scheme prohibition and establishing criminal penalties
BY REQUEST OF: State Auditor
REFERRED ON: 02/01/1999 HEARD ON: 03/04/1999
EXECUTIVE ACTION: 03/08/1999 Bill Concurred -- VOTE: 6 - 0
FINAL DISPOSITION 03/17/1999 Chapter Number Assigned

HB 150 SPONSOR: Menahan, Red SHORT TITLE: Require contracting foreign companies to receive a certificate of authority
BY REQUEST OF: Secretary Of State
REFERRED ON: 02/04/1999 HEARD ON: 03/02/1999
EXECUTIVE ACTION: 03/08/1999 Bill Concurred as Amended -- VOTE: 6 - 0
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 153 SPONSOR: Hedges, Donald SHORT TITLE: Revise laws governing funeral services
BY REQUEST OF: Board Of Funeral Service
REFERRED ON: 02/03/1999 HEARD ON: 03/04/1999 (S) Discussed in Committee ON: 03/10/1999
(S) Discussed in Committee ON: 03/17/1999
EXECUTIVE ACTION: 03/23/1999 Bill Concurred as Amended -- VOTE: 7 - 0
TABLED ON: 03/08/1999
FINAL DISPOSITION 04/20/1999 Chapter Number Assigned

HB 154 SPONSOR: Gallus, Steven SHORT TITLE: Clarify prohibition against auto repair incentives
BY REQUEST OF: State Auditor
REFERRED ON: 01/27/1999 HEARD ON: 03/04/1999
EXECUTIVE ACTION: 03/09/1999 Bill Concurred -- VOTE: 6 - 0
FINAL DISPOSITION 03/27/1999 Chapter Number Assigned

HB 155 SPONSOR: Pavlovich, Bob SHORT TITLE: Prohibit the cancellation or nonrenewal of property & casualty insurance
BY REQUEST OF: State Auditor
REFERRED ON: 01/29/1999 HEARD ON: 03/05/1999
EXECUTIVE ACTION: 03/08/1999 Bill Concurred as Amended -- VOTE: 6 - 0
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

HB 167 SPONSOR: Johnson, Royal SHORT TITLE: Revise statutes affected by termination of Old Fund Liability Tax Jan 1,1999
REFERRED ON: 01/27/1999
FINAL DISPOSITION 03/30/1999 Chapter Number Assigned

Closing by Sponsor:

REP. KRENZLER closed. I believe anyone who is opposed to this bill doesn't fully understand it because it protects the rights of the consumer as well as those of the legitimate business. It draws clear lines between the legitimate multi-level marketers and the pyramid schemes. It will also provide a law for the enforcement tools necessary to go after the scam artists. If your constituents have questions, I would be happy to send them some information.

{Tape : 1; Side : A; Approx. Time Counter : 28.7}

HEARING ON HB 153

Sponsor: **REP. DONALD HEDGES, HD 97, ANTELOPE**

Proponents: **David Fulkerson, Chairman, Board of Funeral Services**
Jered Scherer, Board of Funeral Services
Robert Throssell, MT Assoc. of Clerks & Recorders
Jean Ruppert, Board of Funeral Services
Steve Yeakel, Executive Director, MT Funeral Directors Assoc.

Opponents: **Jock Anderson, Loewen Group**

Opening Statement by Sponsor:

REP. DONALD HEDGES, HD 97, ANTELOPE. This bill has been in the making for three or four years through the Board of Funeral Services. The meat of the bill is the pre-need funeral arrangements and is included because the Board of Funeral Services believed they had management surveillance over those doing pre-need. However, some of the funeral homes felt those contracts could be made by those in the industry that weren't licensed morticians. This opened the door for eventual court hearings. This bill addresses that issue and requires pre-need funeral contracts to be handled by a licensed funeral director or mortician. The reason for this is current statute allows that under general supervision of a licensed mortician a person could write pre-need contracts.

Another area of **HB 153** allows for the filing of a deed for the sale of lots in a for-profit cemetery area, and a friendly amendment will be coming from the Clerks & Recorders to change some of the language.

{Tape : 1; Side : A; Approx. Time Counter : 35}

Proponents' Testimony:

David Fulkerson, Fulkerson Funeral Home, Plentywood. He read his written testimony **EXHIBIT(7)**.

Jered H. Scherer, Mortician, Billings. He read his written testimony **EXHIBIT(8)**.

Robert Throssell, Montana Association of Clerks & Recorders. We want to help our community members and maintain a record of the purchase of cemetery plots. I will explain the amendments **EXHIBIT(9)**. We found a problem with the bill in the use of the term "deed" because in the Clerk & Recorder's Office, "deed" is a special document you receive when you purchase your house, your property, etc. Our laws have an indexing requirement which could be tied into surveying, taxation, etc. As a practical matter, "deed" would allow Clerks & Recorders to set up a separate book, Cemetery Conveyances, and family members could check to see if the plot had been purchased.

{Tape : 1; Side : B; Approx. Time Counter : 0}

The last two amendments are tied together. "Filing" in the office of the Clerk & Recorder means the permanent maintenance of that original document. There can be a space problem in storing these documents and they also are subject to deterioration. This makes the storage more expensive; therefore, the substitution of "recorded" for "filed", which covers the process of microfilming. In other words, the process of the Clerk & Recorder handling the document would be streamlined because the microfilm would be available for certified copies and the family would have the original document in its possession.

Jean Ruppert, Board of Funeral Services. She centered her remarks around **EXHIBIT(10)** and stressed it was important to keep it under the morticians.

Steve Yeakel, Montana Funeral Directors Association. We're supportive of the changes in the first and second parts of the bill, as well as the amendments. The content of the final section is not new law, but is current existing law in another area of the statute. The Association is in support of **HB 153.**

{Tape : 1; Side : B; Approx. Time Counter : 7.5}

Opponents' Testimony:

Jock Anderson, Loewen Group. He paraphrased his remarks from **EXHIBIT(11)** and presented **EXHIBIT(12)** as part of his testimony.

{Tape : 1; Side : B; Approx. Time Counter : 25.4}

Questions from Committee Members and Responses:

SEN. BEA MCCARTHY commented she was used to funeral homes which had one licensed mortician and other staff. She referred to Page 5-6 and asked about the new definition of "mortician" and said it sounded like every person working in the firm must be a licensed mortician. **Jered Scherer** said the selling of pre-need and at-need required a licensed mortician.

SEN. MCCARTHY commented if the owner of a mortuary was not a licensed mortician but hired one who was, that owner could nothing but provide the money. **Mr. Scherer** said the owner could provide the management, but not the technical part, including directing the funeral.

SEN. MCCARTHY commented currently, the mortician came in to do the embalming and be present for the funeral service; however, the bill asked that the mortician do everything. She said there weren't too many licensed morticians; in fact, at times if the mortician was on vacation, someone else would have to be brought in. She said under current law, the owner could make all the arrangements and **HB 153** would made it mandatory for a licensed mortician to do everything. **David Fulkerson** said the notion that the owner could currently sell pre-need or at-need was incorrect; in fact, a licensed mortician was required to do that, and it has been that way since 1962. He said it was their intent to keep it that way in order to protect the public.

SEN. MCCARTHY commented she had been through a number of funerals in the past five years and in most cases she did not think she had dealt with a mortician when making the arrangements. **Mr. Fulkerson** said a few licensed funeral directors who were licensed under grandfather provisions in 1962; however, they were now deceased or retired. Since it was already in law a licensed mortician do that, **HB 153** would continue it.

SEN. MCCARTHY asked about accredited morticians' schools. **Mr. Fulkerson** said there were about 38, with the closest being in Portland.

SEN. MIKE SPRAGUE asked if there was a difference in licensing in a funeral director vs. a mortician. **David Fulkerson** said in some states there was; however, in Montana, since 1962, the only licenses issued were those of a mortician.

SEN. SPRAGUE commented he had recently made funeral arrangements but not with a licensed mortician. **Mr. Fulkerson** commented **SEN. SPRAGUE** was not well-served.

{Tape : 1; Side : B; Approx. Time Counter : 36.8}

SEN. MCCARTHY reviewed current law made it mandatory for everyone dealt with at the funeral home to be a licensed mortician. **Mr. Fulkerson** agreed.

SEN. SPRAGUE said he made arrangements with an employee of the city of Billings who handled the municipal burial ground for the ashes of a body deceased in Texas. He asked if this employee was basically the funeral arranger. **David Fulkerson** said this person was a cemetery employee and not a funeral arranger, as per the definition. **Melody Brown, Board of Funeral Services**, said that situation was not the actual making of funeral arrangements, i.e. embalming, buying a casket, etc. This bill does not intend to address what **SEN. SPRAGUE** was referring to; rather, he was talking about having cremated remains buried and a mortician wasn't needed for that. She said the situation referred to by **SEN. MCCARTHY** was different in that if the person you're dealing with is the spouse, parent, etc., of the owner of the funeral home and you talk about caskets, embalming, the service, etc., that person is operating outside the scope of the license. The mortician who is allowing such practice is aiding and abetting

unlicensed practice. If a consumer had a complaint he or she needed to notify them so it could be investigated; if no one complained, the Board wouldn't know about it. The law really wasn't being changed; rather, some of the definitions were clarified.

{Tape : 1; Side : B; Approx. Time Counter : 43.3}

Closing by Sponsor:

REP. HEDGES closed. The licensing requirements don't change what's been on the books and when we think of other professions, I think we want to continue these licensing requirements with that level of knowledge and competence in the pre-need area. Current law was intended to be that; the punctuation should be a semi-colon rather than a comma. This bill addresses the need to put the pre-need contract money into a Montana institution where it is insured so the people making the pre-need arrangements have a Montana guarantee the money will be there when it's needed.

{Tape : 2; Side : A; Approx. Time Counter : 0}

HEARING ON HB 154

Sponsor: REP. STEVEN J. GALLUS, HD 35, BUTTE

Proponents: REP. JOE QUILICI, HD 36, BUTTE
Gary Speeth, State Auditors Office
Jack Gregg, MT Collision Repair Specialists
Ron Ashabraner, State Farm Insurance
Annie Bartos, Chief Counsel, Department of Commerce
Debbie Berney, Professional Insurance Agents of MT
Steve Wilkinson, Northwest Glass
Pat Stroff, Billings
Mike Oliver, Billings

Opponents: Bob Gilbert, Cascade Auto Glass
Brad Nelson, Cascade Auto Glass
Dan Carter, Pinnacle Glass Co.

{Tape : 1; Side : B; Approx. Time Counter : 34.5}

There were questions from **SEN. SPRAGUE** for **Ms. Jamison.**

{Tape : 1; Side : B; Approx. Time Counter : 39.3}

Closing by Sponsor:

REP. HARRINGTON closed. **SEN. BOB KEENAN** will carry the bill on the Senate Floor.

{Tape : 2; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON HB 522

Motion/Vote: **SEN. MCCARTHY moved that HB 522 BE CONCURRED IN. Motion carried unanimously. 6-0**

SEN. MCCARTHY will carry the bill on the Senate Floor.

EXECUTIVE ACTION ON HB 442

Motion/Vote: **SEN. SPRAGUE moved that HB 442 BE CONCURRED IN. Motion carried unanimously. 6-0**

SEN. SPRAGUE will carry the bill on the Senate Floor.

EXECUTIVE ACTION ON HB 153

Motion: **SEN. COCCHIARELLA moved that HB 153 BE removed from the TABLE. Motion carried unanimously. 6-0**

SEN. COCCHIARELLA said that there was another issue that this committee has not dug into enough. Her concern was with the Building Codes and their views on the international codes and the protection of the manufactured home industry and their power and clout over the licensure boards. Every time they do something, their efforts are directed at taking power away from the boards; i.e. plumbers and electricians. They want to be all powerful but won't even then make the necessary decisions. There is more to this than meets the eye. This should be included in our letter.

Mr. Campbell said that one way to handle this bill would be to make this a first bill draft request. He had been assigned another time to do this. He would not have a budget. If a person were to make a bill draft request, that would allow him to compile information with an eye toward future legislation.

Motion/Vote: SEN. MCCARTHY moved that HB 63 BE TABLED. Motion carried 6-1 with SEN COCCHIARELLA voting no.

{Tape : 1; Side : A; Approx. Time Counter : 7.6}

EXECUTIVE ACTION ON HB 153

Motion: SEN. MCCARTHY moved that HB 153 BE CONCURRED IN.

Discussion: Motion: SEN. MCCARTHY moved that HB 153 BE AMENDED EXHIBIT(1).

Discussion: Mr. Campbell explained the amendments requested by **SEN. MCCARTHY. SEN. MCCARTHY** said they have stricken much language that is in current law and have taken the preneed part of the bill and defined and clarified it. They tried to make the preneed section the impetus for the bill. The monetary issue was clarified so that the money stays in the State of Montana. **Mr. Campbell** said that Sections 1 and 2 were taken out. Section 1 contains the definitions which is about three pages long. Then the definitions were put back in as Section 1 with one amendment to that. On page 3 of the amendments, preneed arrangements were redefined to clarify that those were arrangements that have to be made with a licensed funeral director or licensed mortician. The amendments requested by the Clerks and Recorders were kept as to the deed language. The remaining sections dealt with how the

trust funds were to be set up and how they would be kept in Montana. On page 4, number 9, new sub (1) that states pre-arranged funeral services or related services may be presented, negotiated and sold to the public only by a licensed funeral director or licensed mortician. With the exception of those changes the rest of the law in that area stays the same.

SEN. JOHN HERTEL brought up a concern of many who had contacted him about the definitions that were taken out of the bill. Are most of those new definitions back in? **Mr. Campbell** said the definition sections is an existing section of law. He has left those old definitions as they already exist in the law. He only added a preneed definition.

SEN. MIKE SPRAGUE asked if funeral director is licensed as well as morticians and then would both be able to sell the preneed service. **Mr. Campbell** said that this bill means to sell preneed packages only through licensed funeral director or licensed mortician. He recalled that in the existing law this would remain the same. Also, there are few licensed funeral directors left and they are probably all grandfathered in.

SEN. COCCHIARELLA had questions about the definitions and felt they were not covered under the old definitions. **Melody Brown** was asked to respond to the definitions. **Ms. Brown** said that the Board of Funeral Directors worked for three years on new definitions and these were in the bill. Since the new amendments take out all the definitions, all their work has been for naught. The profession has progressed and things change as well as the definitions of what people can do and cannot do.

SEN. MCCARTHY said that surely Ms. Brown was aware that Bart was working on the amendments and the definitions. **Ms. Brown** said that Bart informed her that her input did not matter and that he would only do what Sen. McCarthy asked. **Mr. Campbell** said that was not true. (There was a bit of consternation at this point.)

SEN. COCCHIARELLA, SEN. SPRAGUE AND SEN. THOMAS all felt that some of the new definitions should be in the bill.

{Tape : 1; Side : A; Approx. Time Counter : 21.2}

At this point **SEN. HERTEL** suggested forming a sub-committee to come to a conclusion as far as the definitions were concerned. **SENATORS THOMAS, COCCHIARELLA** and **BERRY** with **Mr. Campbell** were asked to form this committee and hoped that they would be able to meet in the afternoon. This was concurred in.

{Tape : 1; Side : A; Approx. Time Counter : 33.9}

EXECUTIVE ACTION ON HB 47

Motion: **SEN. COCCHIARELLA moved that HB 47 BE CONCURRED IN.**

Discussion: Motion: **SEN. COCCHIARELLA moved that HB 47 BE AMENDED EXHIBIT(2).**

Discussion: **Mr. Campbell** said that the parties concerned did not agree on the amendments from Frank Cote, Deputy Insurance Commissioner.

SEN. COCCHIARELLA was concerned about the difference between three and five years. It is important that five years as statute of limitations be put back in the bill.

Mr. Campbell said that if the five years goes back in and doesn't put the second amendment back in, it would not fit together right.

{Tape : 1; Side : B; Approx. Time Counter : 0}

Vote: **Motion that HB 47 BE AMENDED carried unanimously. 7-0**

Motion/Vote: **SEN. COCCHIARELLA moved that HB 47 BE CONCURRED IN AS AMENDED. Motion carried unanimously. 7-0**

SEN. THOMAS will carry the bill on the Senate Floor.